

## REMARKS

In the Office Action dated November 15, 2004, claims 1 and 3 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0059903 in the name of Smith et al.; claims 4 and 6 were rejected under 35 U.S.C. § 103(a) as being obvious over Smith et al. in view of U.S. Patent Application Publication No. 2004/0153786 in the name of Johnson et al.; and claims 2, 5, 7, and 8 were objected to as being indefinite.

Turning to the rejection to the claims, claim 1 was rejected as anticipated by the Smith et al. reference. Anticipation requires that all limitations of a claim be disclosed in the cited reference. See MPEP § 2131. Particularly, claim 1 includes the following limitation that is not disclosed, either expressly or inherently, in the Smith et al. reference:

“at the elapse of the prespecified length of duration, checking whether an operating temperature message has been received via the bus architecture from the computer component; if NO, issuing a reset signal  
...”

Smith et al. discloses a system and method for monitoring the performance (such as temperature) of a remote computer unit and resetting the unit if the temperature of that unit exceeds a preset threshold value. (See Smith et al., p. 4, sections 51, 53, and claim 8.) The system described in Smith et al. only monitors the actual temperature of a unit. Smith et al. does not, however, disclose monitoring whether or not a temperature signal has actually been received. Further, because Smith et al. does not disclose monitoring of the receipt of a temperature signal, it necessarily does not disclose the available responses to instances when a temperature signal has not been received.

The Office Action indicates that Smith et al. discloses using a watchdog timer in the reset control module. According to Smith et al., this watchdog timer “provides supervision of the application software and monitors the logic power supply” and

“increases the reliability of the system and eliminates the need for a manual restart in the event of an unforeseen malfunction.” (page 4, section 58.) The watchdog timer is used as a standard timer that supervises the power supply and application software in the reset control module. Nowhere does Smith et al. disclose that the watchdog timer is employed to determine whether or not a temperature signal has been received. For these reasons, the Smith et al. reference does not disclose all the limitations of claim 1 and does not anticipate claim 1.

Claim 3 depends from claim 1. Where the Smith et al. reference does not anticipate claim 1, it also does not anticipate claim 3.

Turning to the obviousness rejections, the MPEP sets forth the following standard for establishing a *prima facie* case of obviousness:

#### ESTABLISHING A PRIMA FACIE CASE OF OBVIOUSNESS

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

MPEP § 2142. The combination of the Smith et al. reference in view of the Johnson et al. reference does not teach all the limitations of claims 4 or 6.

Claim 4 includes the following limitation which is not disclosed in either of the cited references:

“a response checking module, which is capable of being activated at the elapse of the prespecified length of duration to check whether an operating temperature message has been received by the data communication interface via the bus architecture from the computer component, and if NO, capable of generating a deadlock message”.

As discussed above, the Smith et al. reference does not disclose monitoring whether or not a temperature signal has actually been received. Rather, the Smith et al. reference only discloses monitoring the actual operating temperature of the computer unit. The Johnson et al. reference also does not teach this limitation. For this reason, the combination of the Smith et al. and Johnson et al. references does not establish a *prima facie* case of obviousness for claim 4.

Claim 6 depends from claim 4. Where the combination of the Smith et al. and Johnson et al. references does not establish a *prima facie* case of obviousness for claim 4, this combination also does not establish a *prima facie* case of obviousness for claim 6.

The objection to claims 2, 5, 7, and 8 are based on the grounds that recitation of the SMBus standard and the I2C standard renders these claims indefinite. Applicant respectfully disagrees with this indefiniteness assessment. In support of this position, Applicant refers the Examiner to the following U.S. Patents, each of which recites to the SMBus standard and/or the I2C standard in the respective claims:

6,848,058	6,691,199
6,848,011	6,675,233
6,847,904	6,647,451
6,845,410	6,486,636
6,844,895	6,349,386
6,831,415	6,226,237
6,771,526	6,184,660
6,728,793	6,023,151
6,711,631	

Each of the above-referenced U.S. Patents provide overwhelming evidence that the United States Patent & Trademark Office does not, as a matter of practice, deem claims that include references to standards such as SMBus and I2C as being too indefinite for issue in a patent. These issued patents support Applicant's position that claims 2, 5, 7, and 8 meet all definiteness requirements established by Congress and the USPTO.

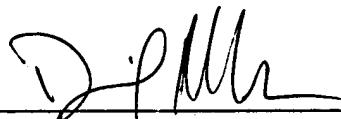
In view of the above, Applicant respectfully requests that the rejection to claims 1, 3, 4, and 6 be reconsidered and that the objection to claims 2, 5, 7, and 8 be withdrawn.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

DATE: February 10, 200

By: \_\_\_\_\_



David M. Morse  
Reg. No. 50,505

Fulbright & Jaworski L.L.P.  
865 South Figueroa Street  
Twenty-Ninth Floor  
Los Angeles, California 90017-2576  
(213) 892-9200